

HOUSE No. 4451

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 27, 2005.

The committee on Labor and Workforce Development, to whom were referred the petition (accompanied by bill, Senate, No. 1773) of Marc R. Pacheco, David Holway, president, SEIU, and Mary Richards, president, MOSES for legislation to provide a safe workplace for employees of the Commonwealth and its political subdivisions, and the petition (accompanied by bill, House, No. 3753) of Martin J. Walsh and others that workplaces in the Commonwealth be in compliance with federal occupational safety and health standards, reports recommending that the accompanying bill (House, No. 4451), ought to pass.

For the committee,

MICHAEL J. RODRIGUES.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO PROVIDE A SAFE WORKPLACE FOR EMPLOYEES OF THE COMMONWEALTH AND ITS POLITICAL SUB-DIVISIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 149 of the General Laws is hereby amended by
2 inserting a new section 40 as follows:
3 (a) Notwithstanding any general or special law to the contrary,
4 the division of occupational safety shall apply federal occupa-
5 tional and health standards applicable to private sector employees
6 to employees of the Commonwealth and its political subdivisions.
7 Such standards shall include all statutory and regulatory require-
8 ments enforced by the occupational safety and health administra-
9 tion with respect to private sector employees, including, without
10 limiting the generality of the foregoing, the general duty clause.
11 Nothing herein shall affect any state standard that exceeds the
12 standards applied by the occupational health and safety adminis-
13 tration.
14 (b) The division shall have authority to conduct investigations.
15 The commissioner shall have authority to issue subpoenas and
16 subpoenas duces tecum to compel the attendance of witnesses
17 and/or the production of documents.
18 (c) The commissioner of the division may promulgate regula-
19 tions and may issue corrective orders where he has found a viola-
20 tion of this section or regulations promulgated hereunder.
21 Proceedings concerning the issuance of regulations or corrective
22 orders to public officials shall be adjudicatory proceedings pur-
23 suant to chapter 30A and shall be subject to judicial review
24 accordingly.
25 (d) With respect to the exercise of its responsibilities under this
26 section, the division shall be within the department of labor but
27 not subject to its direction and control.

28 (e) The effective date of this section with respect to cities and
29 towns shall be subject to the provisions of section 27C of chapter
30 29 of the General Laws.